

SENATE BILL NO. 199

INTRODUCED BY M. TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF INMATE LABOR THROUGH A COUNTY JAIL WORK PROGRAM FOR MANAGEMENT OF NOXIOUS WEEDS AND FOR OTHER MAINTENANCE PROJECTS AUTHORIZED BY COUNTY COMMISSIONERS; ALLOWING A DISTRICT WEED BOARD TO ENTER INTO AGREEMENTS WITH A COUNTY SHERIFF FOR THE USE OF INMATE LABOR; AND AMENDING SECTIONS 7-22-2109 AND 7-32-2226, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-22-2109, MCA, is amended to read:

"7-22-2109. Powers and duties of board -- use of inmates in county jail work program. (1) In addition to any powers or duties established in the resolution creating a district weed board, the board may:

(a) employ a supervisor and other employees as necessary and provide for their compensation;

(b) purchase chemicals, materials, and equipment and pay other operational costs as it determines necessary for implementing an effective weed management program. The costs must be paid from the noxious weed fund.

(c) determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land. The cost for the chemicals, materials, or equipment must be paid by the person and collected as provided in this part.

(d) enter into agreements with the department for the control and eradication of any new exotic plant species not previously established in the state ~~which~~ that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if the plant species spreads or threatens to spread into the state; ~~and~~

(e) enter into agreements with the county sheriff for the use of inmate labor for weed management under this part through a county jail work program that is authorized under 7-32-2225 through 7-32-2227;
and

~~(e)~~(f) perform other activities relating to weed management.

1 (2) The board shall:

2 (a) administer the district's noxious weed program;

3 (b) establish management criteria for noxious weeds on all land within the district; and

4 (c) make all reasonable efforts to develop and implement a noxious weed program covering all land
5 within the district owned or administered by a federal agency."

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7 **Section 2.** Section 7-32-2226, MCA, is amended to read:

8 **"7-32-2226. Operation of county jail work program.** (1) If a county establishes a county jail work
9 program, it must be authorized by the board of county commissioners and supervised by the county
10 sheriff. The sheriff may permit persons eligible under the provisions of 7-32-2227 to work on county
11 projects or for county departments as designated by the board of county commissioners. A person
12 participating in a county jail work program may not:

13 (a) have ~~his~~ the person's labor or other work contracted out to a private party;

14 (b) be required to do labor or other work that furthers the private interests of a government
15 employee or official;

16 (c) be permitted or required to do labor or other work that relates to anything other than public
17 projects, public services, or other public matters;

18 (d) be used to displace any regular county employee;

19 (e) perform the duties of any vacant county position; or

20 (f) work on any construction or reconstruction project.

21 (2) ~~No~~ A county may not reduce its current workforce in order to transfer the duties of ~~such~~ a
22 reduction to persons participating in a county jail work program.

23 (3) A person participating in a county work program may not be physically confined in the county
24 jail during the course of ~~his~~ the person's participation. The person may not be required to perform county
25 work in excess of 8 hours each calendar day. Each calendar day in which a person has participated in a
26 county jail work program is 1 day of incarceration for the purposes of serving a sentence of imprisonment.

27 (4) The sheriff, in conjunction with the board of county commissioners, shall establish a written
28 policy on how jail inmates may volunteer for participation in the county work program and what criteria
29 the sheriff shall use to choose volunteers if there are more eligible persons volunteering than are needed
30 in the program.

(5) In order to ensure public safety, the sheriff may ~~in his discretion~~ deny a person permission to participate in the program and may revoke a person's permission to participate at any time.

(6) A person participating in a program is under official detention as that term is used in defining the crime of escape in 45-7-306. Failure to appear for work at a time and place scheduled for participation in a program constitutes the offense of escape.

6 (7) Weed management, as defined in 7-22-2101, whether on public or private land, and other
7 maintenance projects authorized by a board of county commissioners are county projects for purposes of
8 7-32-2225 through 7-32-2227."

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